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March 18, 2004

Assistant Commissioner of Patents

Washington, DC 20231

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GROUP 3600

PROTEST UNDER 37 CFR 1.291(a)

Re: Advertisement data supplying method, advertisement data reproducing apparatus, and system for the same

US File 20010037238

Filed: February 15, 2001

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is 20010037238

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained (0011) at the client level (Set Top Box [STB]) in a client-server ad delivery system. (0013) The appropriate ads are selected through comparison of channel selection with the ad database. (0113) The ad databases are created at a remote server or extracted from conventional signal downloads and stored (0095) at the STB or PVR at connected to users' television monitors. Selecting a channel (0113) or show on television, which is tantamount to placing a URL or keyword into a browser locator window, then makes a match with ad database ("advertising control center) data maintained at the computer STB/PVR in the remotely controlled and updated STB (0013) (0017) database and in the event a match is made by comparing (0113) content to the ad database or another voluntary user action (0030) an appropriate advertisement is displayed. This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

This embodiment is described in Claims 1, 3, 7, 13 and others. Basing ad display based upon program selection comparisons, profiles or other voluntary users' actions is no different than selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet or both, both are electronic communication networks. The system is described in (0010) (0011) (0013) (0017) (0022) (0025) (0030) (0053) (0091) (0111) (0113) and others.

The abstract reads, "An advertisement supplying method, characterized in that an area for recording advertisement data is created in a large-capacity recording medium, advertisement data which are to be reproduced when an audience

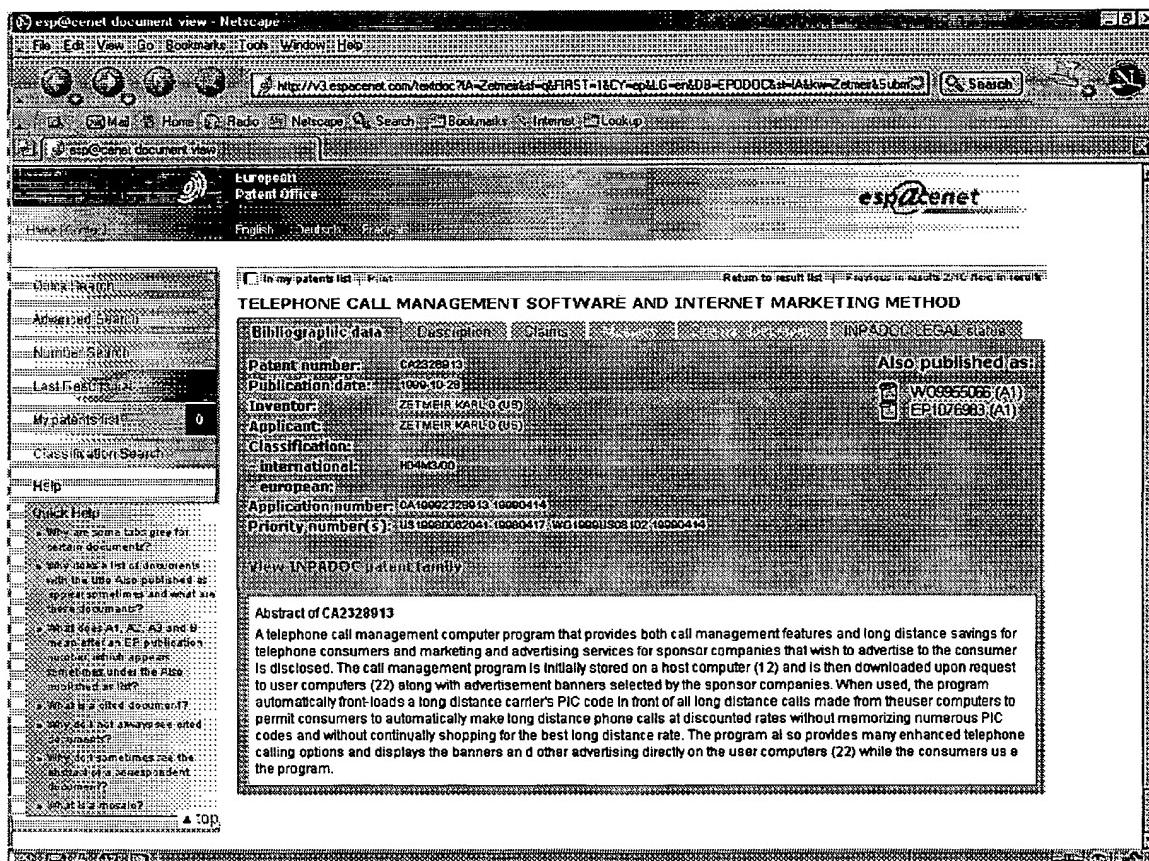
watch a program are recorded in said area in advance, and said large-capacity recording medium is thereafter provided."

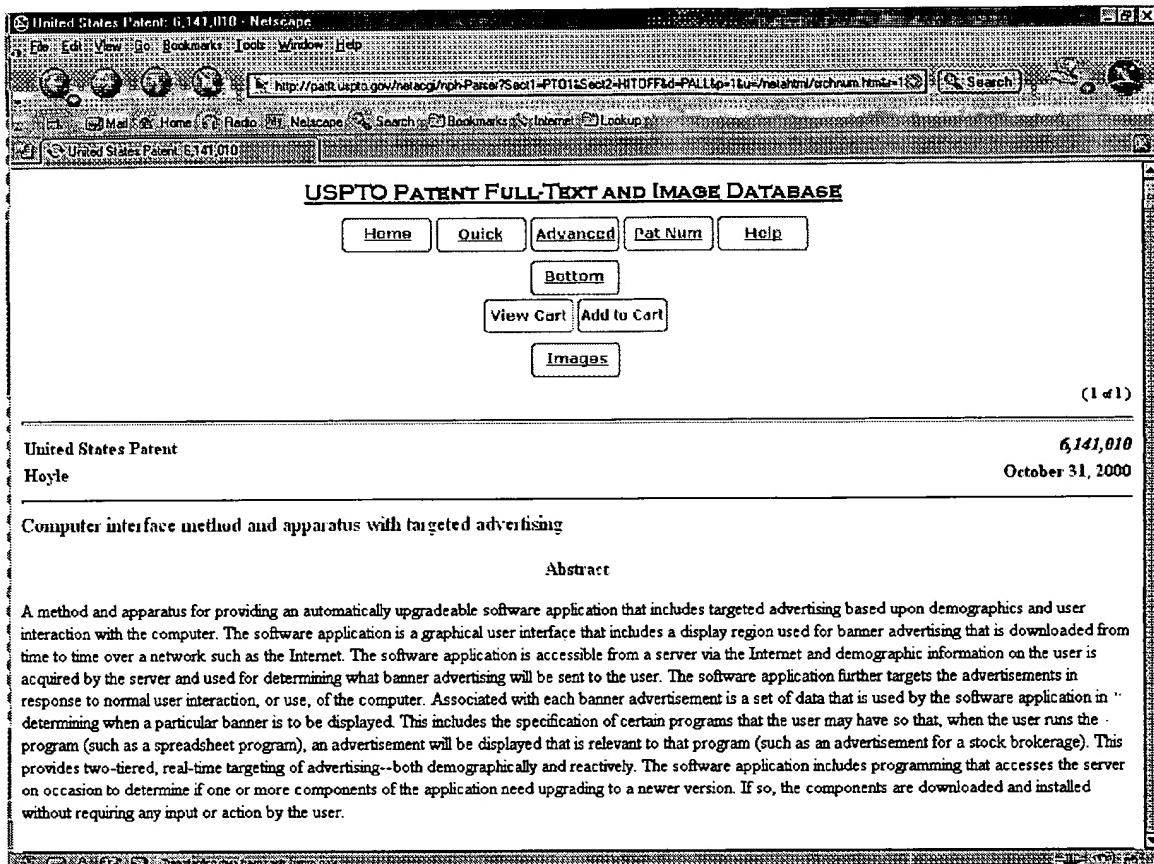
I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that while a little prior art strictly based on VoD and ITV, no prior art was submitted with this filing correlating to the internet, also an electronic communication system, and only some broad references to server profiling systems. The filers are correct that a targeted system based on program selections, URLs, keywords or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 2/15/2001 filing. The prior art listed all precede any references contained in this Application.

I believe the Examiner should look very closely at the Claims made and judge accordingly.





United States Patent
Hoyle

6,141,010
October 31, 2000

Computer interface method and apparatus with targeted advertising

Abstract

A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.

